

SENATE BILL NO. 2025  
with House Amendments

Sixtieth  
Legislative Assembly  
of North Dakota

SENATE BILL NO. 2025

Introduced by

Legislative Council

(Budget Committee on Government Services)

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota  
2 Century Code, relating to provision of medication at a correctional facility; to amend and  
3 reenact section 43-12.1-04 of the North Dakota Century Code, relating to exemptions from the  
4 Nurse Practices Act; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 12-44.1 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Provision of medication - Training requirements - Verification - Rules.**

9 1. A correctional facility may authorize an employee to provide medication to an  
10 inmate of a correctional facility if the employee is:

11 a. Licensed or registered under title 43 and is providing the medication within  
12 the scope of practice of the profession for which the individual is licensed or  
13 registered; or

14 b. A correctional facility staff member who has successfully completed  
15 medication administration training that has been preapproved by the North  
16 Dakota board of nursing.

17 2. If a correctional facility uses a correctional facility staff member to provide  
18 medication to an inmate under subdivision b of subsection 1:

19 a. The correctional facility staff member may not provide the medication by the  
20 parenteral route; and

21 b. The correctional facility shall provide to the board of nursing verification of  
22 appropriate medication administration training for that correctional facility staff  
23 member.

1           **SECTION 2. AMENDMENT.** Section 43-12.1-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-12.1-04. Persons exempt from provisions of chapter.** This chapter does not  
4 apply to a person that is not licensed or registered under this chapter and is:

- 5           1. ~~Persons who perform~~ A person that performs nursing interventions in cases of  
6           emergency or disaster.
- 7           2. ~~Students~~ A student practicing nursing as a part of an in-state nursing education  
8           program.
- 9           3. ~~Legally~~ A licensed nurses nurse of another state who is in good standing and who  
10           is employed in this state by the United States government or any of its bureaus,  
11           divisions, or agencies.
- 12           4. A nurse licensed by another state or Canada, whose employment requires the  
13           nurse to accompany and care for a patient in transit for health care.
- 14           5. A nurse licensed by another state whose employment by a resident of that state  
15           requires the nurse to accompany and care for the resident in North Dakota.
- 16           6. ~~A person~~ An individual who performs nursing tasks for a family member.
- 17           7. A person ~~who is not licensed under this chapter and who~~ that renders assistance  
18           pursuant to chapter 23-27.
- 19           8. A person licensed or registered under another chapter of this title and carrying out  
20           the therapy or practice for which the person is licensed or registered.
- 21           9. A person ~~who~~ that provides medications, other than by the parenteral route:
  - 22           a. Within a correctional facility, in compliance with section 1 of this Act;
  - 23           b. Within a residential treatment centers center for children licensed under  
24           chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
  - 25           ~~b-~~ c. Within a treatment or care centers center for developmentally disabled  
26           persons licensed under chapter 25-16;
  - 27           e. d. Within a group homes home, a residential child care facilities facility, and or  
28           an adult foster care facilities facility licensed under section 50-11-01 or North  
29           Dakota Administrative Code chapter 75-03-16; or
  - 30           ~~e-~~ e. Within a human service centers center licensed under chapter 50-06.
- 31           10. A nurse currently licensed to practice nursing by another jurisdiction:

- 1           a.   Whose practice in another state requires that nurse to attend orientation,
- 2                 meetings, or continuing education in North Dakota;
- 3           b.   Who serves as a guest lecturer or short-term consultant; or
- 4           c.   Who provides evaluation undertaken on behalf of an accrediting organization.
- 5       11.   An individual, including a feeding assistant, performing nonhands-on tasks while
- 6                 employed in a medicare-funded organization.
- 7       12.   Upon written notification to the board by an out-of-state nursing program, a student
- 8                 practicing nursing as a part of a nursing education program preparing for initial or
- 9                 advanced licensure as a registered nurse or licensed practical nurse which is
- 10                approved by a board of nursing and is located in an institution of higher education
- 11                that offers transferable credit.

12       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.